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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049027
Party	Plaintiff Box Packaging, Inc.
Correspondence Address	Mark V. B. Partridge Pattishall McAuliffe Newbury Hilliard et al 311 S. Wacker Dr., Suite 5000 Chicago, IL 60606 UNITED STATES mvbp@pattishall.com, dmb@pattishall.com
Submission	Withdrawal of Cancellation
Filer's Name	David Beeman
Filer's e-mail	mvbp@pattishall.com, dmb@pattishall.com
Signature	/David Beeman/
Date	11/20/2008
Attachments	Withdrawal92049027.pdf (5 pages)(67346 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Registration No. 3,236,171: STAYFLATS

BOX PACKAGING, INC.

Petitioner,

v.

CALUMET CARTON COMPANY,

Registrant.

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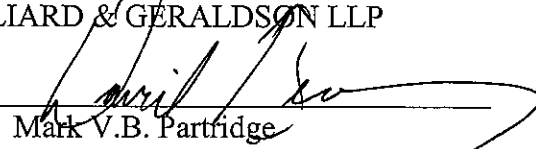
Cancellation No. 92049027

WITHDRAWAL OF PETITION FOR CANCELLATION

In accordance with Rule 2.114(c) of the Trademark Rules of Practice, Box Packaging, Inc., Petitioner in the above-captioned proceeding, hereby withdraws its Petition for Cancellation of Reg. No. 3,236,171, with prejudice. This is in accordance with the agreement reached by the parties. The civil action in the United States District Court for the Northern District of Illinois, Eastern Division, Civil Action No. 07-C-6389, upon which these proceedings were suspended, has been finally determined and a copy of the decision is attached hereto as Exhibit A.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By


Mark V.B. Partridge
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Attorneys for Petitioner, Box Packaging, Inc.

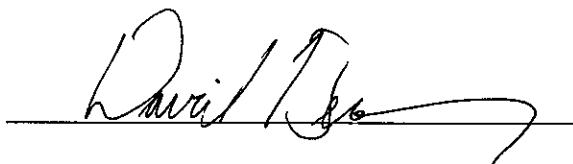
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **WITHDRAWAL OF PETITION FOR CANCELLATION** was served upon

Jill Anderfuren
Richard M. LaBarge
Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357

Lawrence Stein
Huck Bouma PC
1755 South Naperville Road
Wheaton, IL 60187

by first-class mail, postage prepaid, and also sent by e-mail, on November 20, 2008.

A handwritten signature in black ink, appearing to read "David B. Stein", is written over a horizontal line.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this **WITHDRAWAL OF PETITION FOR CANCELLATION** is being electronically transmitted to the Patent and Trademark Office on November 20, 2008.

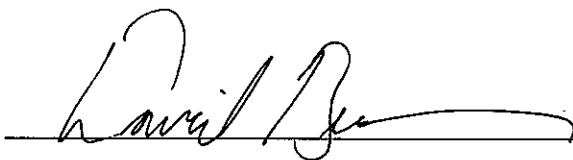
A handwritten signature in black ink, appearing to read "David B. Stein", is written over a horizontal line.

EXHIBIT A

02127-25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

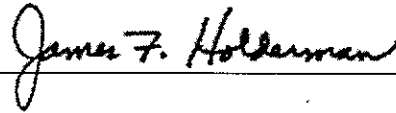
CALUMET CARTON COMPANY)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 6389
)	
B O X PACKAGING, INC.)	District Judge James F. Holderman
)	Magistrate Judge Morton Denlow
Defendant.)	

CONSENT DECREE

This matter coming before the court by agreement of the parties, due notice having been given, and the court being fully advised in the premises, it is hereby ordered that judgment is rendered for the plaintiff, CALUMET CARTON COMPANY, and against the defendant, B O X PACKAGING, INC., as follows:

1. The plaintiff has a valid registration of trademark number 3,236,171 for the mark "StayFlats."
2. The plaintiff has not abandoned its rights in the trademark "StayFlats," nor has the plaintiff's rights in that trademark lapsed by lack of use or for any other reason.
3. The defendant is estopped from claiming that the plaintiff's rights in that trademark have been abandoned or lapsed for any reason or for any act or omission that took place at any time in the past up until the entry of this judgment.
4. The defendant is enjoined from commencing or maintaining any action or defense against any of the plaintiff's rights in that trademark in any court, tribunal, or agency for any act or omission that arose or occurred through and including the date of this judgment.
5. Plaintiff's claim for damages is dismissed with prejudice.

Date: November 13, 2008

A handwritten signature in black ink, reading "James F. Holderman", written over a horizontal line.

Judge James F. Holderman

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